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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,456	05/19/2000	Mario Elam Tremblay	7568M	7765

27752 7590 06/16/2004

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

CINTINS, IVARS C

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/574,456

Applicant(s)

TREMBLAY ET AL.

Examiner

Ivars C. Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-16 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art or Koslow et al. (U.S. Patent No. 5,922,803), in view of Wallis et al. (U.S. Patent No. 3,770,625). Applicant has apparently admitted that a filter having the recited components and structure is commercially available (see page 10, lines 5-6 of the specification). Applicant has further admitted that this commercially available filter possesses the recited virus removal index (see page 10, lines 10-12, 15-17 and 24-26 of the specification). Similarly, Koslow et al. discloses a filter comprising a housing and a filter core, which filter core can consist essentially of some activated carbon particles and some non-carbonaceous particles (see col. 3, lines 7-10). This reference further teaches that the filter core can have a bulk density of 0.65 to 0.75 g/cm³ (col. 3, lines 29-30), and can contain particles having Applicant's preferred mesh size (see col. 2, lines 40-45 of Koslow et al.; and page 4, lines 25-26 of the specification). Therefore, this reference filter must inherently also have the recited interparticle spacing and Virus Removal Index ("VRI"). Accordingly, since both the admittedly known filter and the filter of Koslow et al. appear to be structurally identical to the filter recited in claims 12-16, these claims appear to differ from these prior art filters only by the recitation of "information which communicates to a user that the filter may be used to remove nano-sized pathogens from a liquid." Wallis et al. teaches (see col. 2, lines 29-30; and col. 3, lines 12-13) that similar activated carbon filters are capable of removing nano-sized pathogens (e.g. viruses) from a

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liquid. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the admittedly known filter, or the filter of Koslow et al., with “information” that this filter can be used to remove viruses from a liquid, in view of the teaching by Wallis et al. that similar filters can be employed in this manner.

Applicant’s arguments filed March 26, 2004 have been noted and carefully considered but are not deemed to be persuasive of patentability. Applicant argues that the cited references fail to contain “printed matter that communicates to a user that the filter may be used to remove nano-sized pathogens from a liquid.” Initially, it should be noted that the claims merely require “information,” not printed matter, which communicates such a use. In any event, since Wallis et al. teaches that similar activated carbon can be used to remove nano-sized pathogens (i.e. viruses) from water (see col. 2, lines 29-30; and col. 3, lines 12-13), one of ordinary skill in the liquid purification art would readily recognize that the activated carbon material of either primary reference could also be used in this manner. Therefore, it would have been obvious to this skilled artisan to include some type of “information” (e.g. printed operating instructions) with the admittedly known filter, or the filter of Koslow et al., in order to communicate to a potential user that these devices can be used in such a manner. Applicant should note that virtually all products sold commercially include some type of directions for their use.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

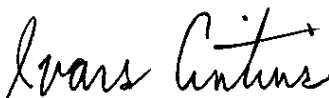
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached at (571) 272-1156.

The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
June 12, 2004